

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

ANGELIA RUSS,)
)
Plaintiff,)
)
vs.) Case No. 1:13-cv-001313-JMS-MJD
)
ROSEWALK AT LUTHERWOOD,)
American Senior Communities,)
)
Defendant.)

Entry Dismissing Action

District judges have discretion to invoke a statute of limitations *sua sponte* if the defense is apparent from the complaint or another document in the court's files. *See Gleash v. Yuswak*, 308 F.3d 758, 760 (7th Cir. 2002). That is the case here. The plaintiff was given the opportunity to show cause why the action should not be dismissed as untimely, but she has not responded. The complaint was filed five years after plaintiff received her right to sue notice. The complaint thus fails to state a claim upon which relief can be granted. *Jones v. Bock*, 549 U.S. 199, 215 (2007)(“If the allegations, for example, show that relief is barred by the applicable statute of limitations, the complaint is subject to dismissal for failure to state a claim;”).

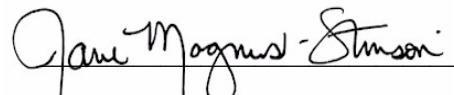
Judgment consistent with this Entry shall now issue.

IT IS SO ORDERED.

Date: 10/07/2013

Distribution:

Angelia Russ
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Indianapolis, IN 46218



Hon. Jane Magnus-Stinson, Judge
United States District Court
Southern District of Indiana